



U.S. Citizenship
and Immigration
Services

G3

FILE:

Office: SAN FRANCISCO

Date:

MAR 29 2004

IN RE:

Obligor:
Bonded Alien


IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

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**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

DISCUSSION: The voluntary departure bond in this matter was declared breached by the District Director, San Francisco, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on January 16, 2001, the obligor posted a \$500.00 bond conditioned for his voluntary departure. An order of the immigration judge (IJ) dated January 12, 2001 was issued granting the alien voluntary departure in lieu of removal on or before March 13, 2001. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On April 29, 2002, the BIA affirmed, without opinion, the IJ's decision and granted the alien voluntary departure within 30 days from the date of the order. Subsequently, the alien the alien filed a motion for stay of removal and a petition to the 9th Circuit Court of Appeals for review of the BIA's decision. On May 29, 2002, the 9th Circuit Court of Appeals granted the alien a temporary stay of removal. On September 13, 2002, the 9th Circuit Court of Appeals denied the alien's petition for review. On April 25, 2003, the district director concluded the bond had been breached. The alien has failed to depart.

On appeal, the obligor asserts that he was not informed by his counsel of the decision rendered by the 9th Circuit Court of Appeals. The obligor requests that his bond be reinstated and his voluntary departure date be extended.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the district director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for ICE to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the district director will not be disturbed.

ORDER: The appeal is dismissed.